

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

David H. Fitzgerald)
)
v.) Case No.: 13-6979
National Railroad Passenger Corporation,)
t/d/b/a AMTRAK)

BILL OF COSTS

Judgment having been entered in the above entitled action on 07/13/2016 Date against Plaintiff David Fitzgerald ,
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$
Fees for service of summons and subpoena
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case	1,779.90
Fees and disbursements for printing
Fees for witnesses (<i>itemize on page two</i>)	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case	1,159.20
Docket fees under 28 U.S.C. 1923
Costs as shown on Mandate of Court of Appeals
Compensation of court-appointed experts
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828
Other costs (<i>please itemize</i>)
TOTAL	\$ <u>2,939.10</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

Electronic service

First class mail, postage prepaid

Other: _____

s/ Attorney: Ali M. Kliment

Name of Attorney: Ali M. Kliment

For: National Railroad Passenger Corporation, t/d/b/a AMTRAK Date: 07/27/2016
Name of Claiming Party

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

Clerk of Court

Deputy Clerk

Date

UNITED STATES DISTRICT COURT

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of co-

Unless a federal statute, these

prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

KURE 8

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rules 5(b)(2)(C), (D), (E), or (F), 5 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID H. FITZGERALD,	:	
	:	
Plaintiff,	:	NO. 13-6979
	:	
v.	:	
	:	
NATIONAL RAILROAD PASSENGER CORPORATION, t/d/b/a AMTRAK,	:	
	:	
Defendant.	:	
	:	

**DECLARATION OF ALI M. KLIMENT IN
SUPPORT OF DEFENDANT'S BILL OF COSTS**

Pursuant to 28 U.S.C. § 1746, I, Ali M. Kliment, declare as follows:

1. I am an attorney licensed to practice in the Commonwealth of Pennsylvania and admitted to practice before this Court.
2. I am associated with the law firm of Morgan, Lewis & Bockius LLP (“Morgan, Lewis”), counsel for Defendant National Railroad Passenger Corporation, t/d/b/a Amtrak (“Defendant”) in this action.
3. I submit this Declaration in support of Defendant’s Bill of Costs pursuant to Federal Rule of Civil Procedure 54(d)(1).
4. I have personal knowledge of the following facts.
5. As of July 27, 2016, Defendant has actually and necessarily incurred taxable costs in the aggregate amount of **\$2,939.10** in connection with the legal representation of Defendant in this action. A detailed breakdown of said costs is attached as Exhibit A to this Declaration. Invoices detailing said costs are attached as Exhibit B to this Declaration.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 27, 2016

/s/ Ali M. Kliment
ALI M. KLIMENT

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID H. FITZGERALD, :
Plaintiff, : NO. 13-6979
v. :
NATIONAL RAILROAD PASSENGER :
CORPORATION, t/d/b/a AMTRAK, :
Defendant. :
:

**EXHIBIT A
ITEMIZATION OF COSTS RELATED TO
DEFENDANT'S REQUEST FOR TAXATION OF COSTS**

I. Fees for Transcripts Pursuant to 28. U.S.C. 1920(2)

Date	Description	Amount
11/03/2014	Deposition Transcript of Plaintiff David Fitzgerald	\$425.90
01/22/2015	Deposition Transcript of Sharon Jindal	\$97.50
01/22/2015	Deposition Transcript of Jennifer Haken-Lafty	\$139.50
03/26/2015	Deposition Transcript of Gary Lindenmuth	\$388.35
03/27/2015	Deposition Transcript of Steven Siebert	\$331.30
03/31/2015	Deposition Transcript of LaTonya Barber	\$397.35
	SUBTOTAL	\$1,779.90

II. Costs for Exemplification and Copies of Papers Pursuant to 28 U.S.C. § 1920(4)

Date	Description	Amount
	Duplication of materials necessarily obtained for use in the case (AMTRAK000001-AMTRAK005614) (5,614 pages x .10 x 2 sets)	\$1,122.80
08/31/2015	Duplication of Exhibits in Support of Motion for Summary Judgment (91 pages x .10 x 2 sets)	\$18.20
	GRAND TOTAL	\$2,939.10

EXHIBIT B

I N V O I C E



Ace Reporters, Inc.

215-627-6701
The Bourse, Suite 1030
111 S. Independence Mall East
Philadelphia
www.acereporters.com

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Robin Perry

Invoice No.	Invoice Date	Job No.
31420	4/9/2015	2455
Job Date	Case No.	
3/27/2015		
Case Name		
David Fitzgerald v. National Railroad Passenger Corporation		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Steven Seibert	301.00
Exhibit	24.00 Pages @ 0.45 10.80
Packaging and Delivery	1.00 @ 19.50 19.50
TOTAL DUE >>>	\$331.30

Tax ID: 81-0633558

Phone: Fax:

Please detach bottom portion and return with payment.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Job No. : 2455 BU ID : 1-MAIN
Case No. :
Case Name : David Fitzgerald v. National Railroad Passenger Corporation
Invoice No. : 31420 Invoice Date : 4/9/2015
Total Due : \$ 331.30

Remit To: Ace Reporters, Inc.
111 S. Independence Mall East
The Bourse, Suite 1030
Philadelphia, PA 19106

<u>PAYMENT WITH CREDIT CARD</u>	
<input type="checkbox"/> AMEX <input type="checkbox"/> MASTERCARD <input type="checkbox"/> VISA	
Cardholder's Name:	
Card Number:	
Exp. Date:	Phone#:
Billing Address:	
Zip:	Card Security Code:
Amount to Charge:	
Cardholder's Signature:	

I N V O I C E



Ace Reporters, Inc.

215-627-6701
The Bourse, Suite 1030
111 S. Independence Mall East
Philadelphia
www.acerreporters.com

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Robin Perry

Invoice No.	Invoice Date	Job No.		
31418	4/9/2015	2454		
Job Date	Case No.			
3/26/2015				
Case Name				
David Fitzgerald v. National Railroad Passenger Corporation				
Payment Terms				
Due upon receipt				

1 CERTIFIED COPY OF TRANSCRIPT OF:

Gary Lindenmuth

Exhibit

Packaging and Delivery

351.75

38.00 Pages @ 0.45 17.10

1.00 @ 19.50 19.50

TOTAL DUE >>> \$388.35

Tax ID: 81-0633558

Phone: Fax:

Please detach bottom portion and return with payment.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Job No. : 2454 BU ID : 1-MAIN
Case No. :
Case Name : David Fitzgerald v. National Railroad Passenger Corporation
Invoice No. : 31418 Invoice Date : 4/9/2015
Total Due : \$ 388.35

Remit To: Ace Reporters, Inc.
111 S. Independence Mall East
The Bourse, Suite 1030
Philadelphia, PA 19106

PAYMENT WITH CREDIT CARD				
Cardholder's Name: _____				
Card Number: _____				
Exp. Date:	Phone#:			
Billing Address: _____				
Zip:	Card Security Code:			
Amount to Charge: _____				
Cardholder's Signature: _____				

I N V O I C E

215-629-6200
The Bourse, Suite 1030
111 S. Independence Mall East
Philadelphia
www.acerunners.com

Ace Reporters, Inc.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Robin Pecky

Invoice No.	Invoice Date	Job No.		
31465	4/14/2015	2456		
Job Date	Case No.			
3/31/2015				
Case Name				
David Fitzgerald v. National Railroad Passenger Corporation				
Payment Terms				
Due upon receipt				

1 CERTIFIED COPY OF TRANSCRIPT OF:

LaTonya Barber	356.25
Exhibit	48.00 Pages @ 0.45 21.60
Packaging and Delivery	1.00 @ 19.50 19.50
TOTAL DUE >>> \$397.35	

Tax ID: 81-0633558

Phone: Fax:

Please detach bottom portion and return with payment.

William Delany, Esquire
Morgan Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103

Job No. : 2456 BU ID : 1-MAIN
 Case No. :
 Case Name : David Fitzgerald v. National Railroad Passenger Corporation
 Invoice No. : 31465 Invoice Date : 4/14/2015
 Total Due : \$ 397.35

Remit To: Ace Reporters, Inc.
111 S. Independence Mall East
The Bourse, Suite 1030
Philadelphia, PA 19106

PAYMENT WITH CREDIT CARD	
Cardholder's Name: 	
Card Number: 	
Exp. Date:	Phone#:
Billing Address:	
Zip:	Card Security Code:
Amount to Charge:	
Cardholder's Signature:	



Esquire Corporate Solutions
2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303



Tax Number: 45-3463120
Toll Free (888) 480-4044
Fax (858) 437-0009



CAILIN HEILIG, ESD
MORGAN, LEWIS & BOCKIUS, LLP - PHILADELPHIA
ATTN: ACCOUNTS PAYABLE
P.O. BOX 91300
PASADENA, CA 91109

Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 848099
Dallas, TX 75284-8099
www.esquiresolutions.com

Invoice # CSD214887

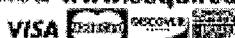
Invoice Date	11/19/2014
Terms	NET 30
Payment Due	12/19/2014
Date of Loss	
Name of Insured	AMTRAK/MORGAN
Adjuster	N/A
Claim Number	2014-00304

Assignment	Case	Assignment #	Shipped	Shipped Via
11/03/2014	FITGERALD DAVID VS. NATIONAL RAILROAD CO	228925	11/19/2014	FED EX

Description	Price	Amount
Services Provided on 11/03/2014, DAVID FITZGERALD (PHILADELPHIA, PA)		
ORIGINAL & ONE COPY OF TRANSCRIPT/WORD INDEX (137 Pages)	\$ 2.70	\$ 360.90
EXHIBITS	\$ 31.00	\$ 31.00
ASCII DISK	\$ 0.00	\$ 0.00
E-TRANSCRIPT	\$ 0.00	\$ 0.00
CONDENSED TRANSCRIPT	\$ 0.00	\$ 0.00
		\$ 400.90
CSD-SHIPPING	\$ 25.00	\$ 25.00
ST ST ST ST		
MATTER NUMBER: 14110.0966	Tax:	\$ 0.00
	Paid:	\$ 0.00
	Amount Due On/Before 01/03/2015	\$ 425.90
	Amount Due After 01/03/2015	\$ 468.49

Tax Number: 45-3463120

Please detach and return this bottom portion with your payment
or pay online at: www.esquireconnect.com



Invoice #

CSD214887

Payment Due:

12/19/2014

Amount Due On/Before 01/03/2015

\$ 425.90

Amount Due After 01/03/2015

\$ 468.49

CAILIN HEILIG, ESD
MORGAN, LEWIS & BOCKIUS, LLP - PHILADELPHIA
ATTN: ACCOUNTS PAYABLE
P.O. BOX 91300
PASADENA, CA 91109

Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 848099
Dallas, TX 75284-8099
www.esquiresolutions.com

Thank you for your business!

199 0000214887 11192014 4 000042590 4 12192014 01032015 4 000046849 44

INVOICE

brusilow+associates
255 S. 17th Street, Suite 1503
Philadelphia, PA 19103
P 215.772.1717 F 877.763.4000

Requester - Annette Lopresti
Amount \$237.00
brusilow+associates
Client/Matter # 018180-01-0266

CAILIN HEILIG, ESQUIRE
MORGAN LEWIS & BOCKIUS
1701 MARKET STREET
PHILADELPHIA, PA 19103

February 15, 2015

Invoice# 01221532

Balance: \$237.00

Re: David Fitzgerald v. Amtrak
Jennifer Haky and Sharon Jindal
on 01/22/15 Filed 02/15/15

<u>Charge Description</u>	<u>Amount</u>
ORAL DEPOSITION OF JENNIFER HAKY LAFFY - 04 PAGES	132.00
ORAL DEPOSITION OF SHARON JINDAL - 10 PAGES	90.00
ONE COPY	
EXHIBITS ATTACHED	
HANDLING AND DELIVERY	15.00

Please Remit --> Total Due: \$237.00

Please tear off stub and return with payment.

TAX ID # 252711104

brusilow+associates
www.brusilow.com

Invoice# 01221532
Balance: \$237.00

CERTIFICATE OF SERVICE

I, Ali M. Kliment, hereby certify that a true and correct copy of the foregoing Defendant's Bill of Costs, Declaration of Ali M. Kliment in Support of Defendant's Bill of Costs, and Exhibits A and B were filed electronically and are available for viewing and downloading from the ECF system of the U.S. District Court for the Eastern District of Pennsylvania, and that I served the same via electronic filing on July 27, 2016 upon the following:

Robert Vance Jr.
Law Offices of Robert Vance Jr.
100 South Broad Street, Suite 910
Philadelphia, PA 19110
Tel. 215 557-9350
Fax. 215 278-7992
Email: rvance@vancelf.com

Attorney for Plaintiff David H. Fitzgerald

/s/ Ali M. Kliment
ALI M. KLIMENT